

*Initiatives to Eliminate the Social Security Administration Hearing Backlog  
Status as of March 28, 2008*

**Introduction**

In his testimony to Congress on May 23, 2007, Commissioner Michael Astrue reported that the Social Security Administration (SSA) has developed a four-pronged plan to eliminate the backlog of requests for hearings and prevent its recurrence, based on (1) compassionate allowances; (2) improving performance; (3) increasing adjudicatory capacity; (4) increasing efficiency with automation and business processes. This report covers the status of initiatives 2, 3 and 4 as of March 28, 2008. Office of Retirement and Disability Policy (ORDP) has responsibility for initiative number one, compassionate allowances.

**Improving Hearing Performance**

- **Reduce Aged Cases** – In Fiscal Year 2007 (FY 07) the Office of Disability Adjudication and Review's (ODAR) aged case initiative focused on cases that were 1,000 days old or older. For FY 08, aged cases were redefined as cases that would be 900 days old or older by September 26, 2008. Entering FY 08, there were 135,160 cases in this category. In the first half of FY 08 (10/01/07 – 03/28/08) ODAR reduced the number of aged cases pending 900 days or more to 50,182 cases.
- **Study Authorization of Senior Attorney Adjudicators** – The interim final rule was published August 9, 2007, providing certain attorney advisors the ability to adjudicate fully favorable decisions. This initiative was implemented on November 1, 2007 with the release of a Chief Judge Bulletin. As of March 28, 2008, Senior Attorneys have issued 9,792 decisions. The final regulation was published in the Federal Register on March 3, 2008 indicating that "These procedures will remain in effect for a period not to exceed 2 years from the effective date of this final rule, unless we terminate or extend them by publication of a final rule in the Federal Register."
- **Hire Additional Administrative Law Judges (ALJs)** – Based on the Certificate of Eligibles provided by the Office of Personnel Management (OPM) ODAR interviewed 421 candidates in January and February 2008. During the last week of February, ODAR made 144 selections, including three interagency transfers, and received 135 acceptances. The new ALJs will enter on duty in three groups on April 13, May 11 and June 22, 2008. A second certificate has been requested from OPM as ODAR anticipates hiring another 40 ALJs which will bring the total to 175.

**Increase Adjudicatory Capacity**

- **Fill ALJ Dockets to Capacity** – We are continuing the successful Deputy Commissioner for Operations' (DCO) overtime initiative throughout FY 08. As of March 28, 2008, DCO employees worked over 29,000 hours of overtime and completed over 313,000 tasks. We are also continuing the successful streamlined folder assembly process for pending paper cases and on February 1, 2008, ODAR issued a Chief Judge's Bulletin to extend the voluntary streamlined folder assembly process to electronic cases. As of March 28, 2008, there were 17,162 cases identified as being prepared by streamlined folder assembly and 4,106 of these were prepared

by DCO employees. Plans are to continue to encourage ALJs to use this method of case preparation to keep hearing dockets filled.

- **Improve ALJ Productivity** – The Chief Administrative Law Judge issued a letter to all ALJs on October 31, 2007 asking them to issue 500 – 700 legally sufficient decisions each year, move cases out of ALJ controlled categories on a timely basis and hold scheduled hearings absent a good reason to cancel or postpone hearings.
- **Remand Cases to Disability Determination Services (DDSs)** – In the first six months of FY 08, ODAR sent more than 27,000 cases to DDS as informal remands. As of March 28, 2008 more than 7,000 fully favorable determinations have been made. Approximately 13,000 cases have been returned to the hearing offices as “no decision cases.” These cases will be scheduled for a hearing before an ALJ. The data from this initiative continues to be analyzed using several different sources of management information.
- **Implement Medical Expert (ME) Screening Process** – Before assignment to an ALJ, and by direction of the Hearing Office Chief Administrative Law Judge, profiled cases will be routed to an ME to complete a brief set of interrogatories. If the case can be allowed on the record, the case will be routed to an adjudicator for review and decision. For cases that cannot be decided favorably, the ME response will be included in the record and the case routed to an ALJ for normal processing. ODAR implemented this initiative on March 17, 2008 by issuance of a Chief Judge’s Bulletin.
- **National Hearing Center (NHC)** – As of April 2008, five Administrative Law Judges have reported to NHC. There are two vacancies still to be filled. The ALJs are conducting hearings for the Cleveland, OH; Atlanta, GA; and Detroit, MI Hearing Offices. Approximately 120 new receipts are received monthly from each of the three hearing offices. While only a few claimants have rejected video hearings, the NHC continues to monitor claimant reaction. Between December 2007 and March 2008, there were 210 dispositions issued to claimants located in these cities. The NHC and the Cleveland Hearing Office especially targeted critical and dire need cases for NHC hearings during February and this targeted workload will continue as needed to support the Cleveland Hearing Office. NHC attorneys have also been assisting hearing offices with decision writing. Since opening in October, the NHC has been visited by Commissioner Astrue, Senior-level ODAR Executives, Deputy Commissioner for Communications Jim Courtney, SSA Press Officer Mark Lassiter and Deputy Commissioner for Legislation and Congressional Affairs Margaret Hostetler. In addition, the Social Security Advisory Board will visit the NHC on April 9, 2008 and a visit by Representative Earl Pomeroy (D-ND) has been rescheduled.

#### **Increasing Efficiency with Automation and Improved Business Process**

- **Develop a New Case Processing and Management System for the Appeals Council** – Validation of the new Appeals Review Processing System (ARPS) was completed in December 2007. Training of staff and managers began January 14, 2008 and continued through February 2008. Conversion to the new system took place on March 3, 2008. Major benefits of this new system include SSA-wide

access to the case control system and the ability of the Appeals Council to work on electronic folder (eFolder) cases.

- **Increase Amount of Data Propagated to the Hearing Office Case Processing System** – The mid-February systems release included Case Processing and Management System (CPMS) enhancements which provided the ability to suppress the “To Do” alert when generating a barcode. Enhancements scheduled for June 2008 include data propagation from the SSA-831 (Disability Determination and Transmittal) into CPMS.
- **Provide the Ability to Sign Decisions Electronically** – The Office of Systems (OS) completed the first phase of the eSignature initiative in late February. ODAR is now piloting this new process as well as developing a Video on Demand (VOD) for training ALJs. The ability for ALJs to sign cases electronically is expected to be in place in June 2008.
- **Centralize Printing and Mailing** – A pilot began in four hearing offices in February 2008 to test this functionality. The Request for Hearing Acknowledgement Letter was the first notice to be sent using centralized printing and mailing. Results have been very positive and this functionality was expanded on March 22, 2008 to include 31 additional hearing offices and four more notices. As of April 2, 2008, there were 14,632 notices produced using centralized printing and mailing. Plans are to implement centralized printing and mailing in an additional 15 hearing offices in June 2008 and to include six more notices. This functionality will be implemented in all remaining hearing offices by October 2008, with additional notices added when all hearing offices have this functionality.
- **Enhance Hearing Office Management Information** – ODAR continues to develop tracking mechanisms and data sheets to provide support to management at all levels. The new Disability Adjudication Reporting Tools (DART) reports have been developed for tracking aged cases, informal remands, Senior Attorney Adjudicator dispositions, ME Screening Initiative, ALJ productivity and workloads in the NHC. A report to assist in tracking the cases involved in the Service Area Realignment is currently being developed. The CPMS release in mid-February 2008 included additional reports to support the Senior Attorney Adjudicator program as well as new functionality for workload listing reports.
- **Provide Support to Send Additional Documents to the eFolder** - Analysis and planning for this initiative are ongoing.
- **Provide Shared Access to the eFolder** – The systems release in mid-February included CPMS enhancements which allow shared jurisdiction of cases among hearing offices. These enhancements facilitated and simplified the temporary transfer of electronic cases for pulling and decision writing assistance.
- **Expand Internet Support for Representatives** – With additional Electronic Records Express (ERE) functionality, representatives will be able to view folders electronically through a secure website. Plans are to pilot this functionality with selected representatives beginning June 2008.
- **Provide Additional Video Hearing Equipment** – The 158 new video units acquired with FY 07 funds are now being installed. As of the end of March 2008, over one-third of the 158 units will be operational. Sites required by the service area

realignment initiative have been given priority. ODAR has also begun testing desktop video units. Test sites include executive offices in Baltimore, MD and ODAR Headquarters in Falls Church, VA, the NHC, the Model Process Test Facility (MPTF) in addition to hearing offices and field offices. Installations began in March 2008 and are ongoing. One of the judges in the NHC has already started to conduct hearings using the desktop video unit.

- **Update Hearing Office Systems Infrastructure** – In FY 08, OS purchased and installed servers, video teleconferencing equipment and telecommunications equipment in the hearing offices in support of hearing and appeals workloads, including the Electronic Case Preparation (ePulling) project and the Desktop Video Unit pilot. In addition, OS staff supported the relocation of 10 hearing offices and a central office component. These updates support eFolder processing by increasing the capacity of the infrastructure underlying the eFolder and by providing equipment required to support new automation initiatives for ODAR. This initiative will continue throughout FY 08.
- **Electronic File Assembly (ePulling)** – The contract was awarded to ECompex in September 2007 to develop this software. This software has the potential to automate the identification of duplicate documents, classify documents and sequentially number pages in a document. Subject matter experts from hearing offices came to Headquarters in November 2007 to work on the knowledge base prior to the pilot. Work is now being done to integrate the software into the mainframe architecture. Plans are to begin a pilot in May 2008 in MPTF at ODAR Headquarters and to expand to two hearing offices in June 2008 and another two hearing offices in July 2008.
- **Implement eScheduling** – Planning and analysis for software to automate scheduling of hearings is underway and will continue throughout FY 08. ODAR has been conducting market research to identify vendors as well as defining and documenting the business process and technical requirements.
- **Transition to the eFolder** – During FY 07, ODAR implemented a major change in its business process which involved transition from processing hearings using paper folders to processing hearings using eFolders. As of March 28, 2008, 73% of our pending workload is electronic, with 552,845 pending electronic cases and 203,618 pending paper cases.
- **Have Appeals Council Issue Final Decisions when Possible to Reduce Remands** – In FY 07, Administrative Appeals Judges (AAJs) met with their staffs to discuss ways to identify appropriate cases and provide guidance for issuing final decisions. During the period July through September of FY 07 and continuing into FY 08 there has been a consistent decrease in the number of remands sent back to hearing offices. This estimate is based on comparing the pre-initiative percentages of remands with the post initiative percentage of remands.
- **Mandate Findings Integrated Templates (FIT) Decision Writing System** – Usage of the FIT by decision writers has continued to increase. FIT is being used consistently to write more than 92% of all decisions thus far in FY 08. ODAR is developing guidance in preparation for the directive to mandate FIT usage.
- **Provide Improved Training to Hearing Office Management Teams** – New course curriculum for Hearing Office Directors, Group Supervisors and Hearing Office

Chief ALJs was delivered in the summer of 2007. Training included Orientation, Distance Learning and onsite classroom training for hearing specific tasks. In early December, a management training website was completed and a link has been posted on the OCALJ homepage. The Leadership and Training Cadres continuously review and update the training website. They have also developed a feedback form to be completed by the trainees currently working on the Phase II Distance Learning. They are developing an agenda for the Phase III classroom training scheduled in July and August 2008 based on the feedback received from the class of 2007.

- **Extend Cooperation Between Hearing Offices and Field Office/Area Director Offices** – On November 19, 2007, the Associate Commissioner for Public Service and Operations Support issued a memo to all Regional Commissioners with suggestions to expedite the transfer of appeals to hearing offices. The memo resulted from a national workgroup made up of representatives from DCO and ODAR to encourage regional and local initiatives for enhanced communication and cooperation. During FY 07 and continuing into FY 08, there have also been a number of successful initiatives between ODAR, the Office of Quality Performance (OQP) and DCO at the regional and local levels. ODAR continues to meet cooperatively with other SSA components to address areas of mutual concern.
- **Establish a Standardized Electronic Business Process and Conduct Manual Time Allocation Studies** – In cooperation with OQP, teams of employees from ODAR and OQP visited hearing offices to gather information about the hearing process and to identify best practices. The first site visit was conducted in early September and the information gathered during that visit was used to develop criteria and procedures for subsequent visits. Five more visits were conducted in November and December and information was obtained on best practices, concerns and suggestions regarding electronic case processing. The data from these visits was compiled and entered into a database owned by OQP to facilitate analysis. On February 29, 2008, a review team comprised of ODAR and OQP employees submitted a proposed standardized electronic business process description (BPD) for ODAR hearing offices to the Office of the Chief Administrative Law Judge (OCALJ). Briefings are planned for the Chief ALJ and ODAR's Deputy Commissioner in April 2008. Selection of a hearing office to serve as the “beta office” test site is expected shortly.
- **Implement Quality Assurance Program for Hearings Process** – ODAR is working with OQP to develop an in-line quality review procedure for the hearing office business process. A draft process has been approved by OCALJ and ODAR is working with the Office of Human Resources (OHR) to draft position descriptions. The in-line quality process will include reviews of attorney adjudicator decisions, decision drafts, and scheduled cases. ODAR and OQP are currently developing review sheets to capture data from the reviews as well as a formula for selecting cases for review. OQP began a post-adjudicative review of attorney adjudicator decisions in January 2008. The first feedback on this post adjudicative review was held on March 4, 2008. OQP reviewed 111 cases from the November 2007 reporting month and found a 95% support rate for these decisions.
- **Expand OQP Review of Reconsideration Denials Using Profiles** – OQP will review 14,000 reconsideration denial determinations prior to effectuation to provide

feedback to DDS and SSA management, to make recommendations for addressing problems, and to ultimately reduce the volume of hearing requests. This review began in September 2007 and will continue throughout FY 08. OQP plans to release the first report on their findings in late April 2008.

- **Continue Decision Writer Productivity Improvement Initiative**  
Hearing Offices continue to use the decision writer statistical index report introduced in the beginning of FY 07 to assess decision writer productivity.
- **Effectuate Temporary Service Area Realignment/Interregional Case Transfers**  
– OCALJ presented a Service Area Realignment Plan to Commissioner Astrue on December 10, 2007. This plan will begin to balance pending workloads on a national basis. It is designed to move workloads from regions with high receipts and high pending hearing cases (Chicago and Kansas City Regions) to regions with lower receipts and lower pending cases (Boston and San Francisco Regions). New receipts and unscheduled cases from hearing office service areas covered by remote sites will be given to hearing offices with the capacity to help. The plan would also involve some permanent case transfers from the Chicago and Kansas City Regions to the San Francisco Region. On February 6, 2008 CALJ Cristaudo issued a memo to the Regional Chief ALJs announcing the FY 08 plan for service area realignment and permanent case transfers. The memo included procedures for the transfer of cases and requested that case transfers be completed by March 28, 2008.
- **Use Weekly Workload Reporting and Monitoring** – CALJ Cristaudo continues to strongly encourage managers to monitor workload processing data on a weekly basis and ODAR continues to develop workload reports to monitor hearing office performance this way.
- **Co-locate Remote Hearing Sites with SSA Field Offices** – A joint workgroup composed of representatives from ODAR and DCO has developed a plan for co-location of hearing offices with field offices. The plan, which the workgroup presented to Commissioner Astrue on March 17, 2008, has a short term objective of using existing space for possible co-location, and a long term objective of coordinating co-location with lease expirations.
- **Improved Public ALJ Alleged Misconduct Complaint Process**  
The Office of the General Counsel, OCALJ, the Office of Appellate Operations and the Office of Labor Management and Employee Relations had a series of meetings to formulate improvements under current rules and to clarify the complaint process for claimants. We are now in the process of implementing those improvements, including updated letters to claimants and representatives, updated poster and website information and drafting a system of records to track complaints received and resolutions. The goal is to make the ALJ complaint process both fair and effective for SSA, the ALJs and the American people.